

## **Attachment 17**

### **PROPOSED CLASS NOTICE**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

RAMON VILLANUEVA-BAZALDUA  
individually and on behalf of others similarly  
situated,

Plaintiff

CA 1:06-cv-00185-GMS

Class Action

v

TRUGREEN LIMITED PARTNERS and  
TRUGREEN INC.

Defendants

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NOTICE OF CLASS ACTION

**TO: All Mexican workers who received H-2B visas to work for TruGreen Chemlawn at  
any time during 2003, 2004, 2005 or 2006**

**1. What Is This Notice About?**

This Notice is an official court notice to let you know about a "class action" lawsuit which may affect your rights if you worked for TruGreen Chemlawn using an H-2B visa at any time during 2003, 2004, 2005, or 2006. This Notice will advise you how your rights may be affected by this lawsuit and will instruct you on your options for participating or not participating in this lawsuit

**2. What Is This Lawsuit About?**

The Plaintiff in the lawsuit, Juan Villanueva-Bazaldua is a Mexican worker who received an H-2B visa to work for TruGreen Chemlawn in Delaware in 2004. The Defendants in the lawsuit are TruGreen Limited Partnership, LLC, doing business as TruGreen Chemlawn, TruGreen, Inc., and James Vacchiano, a TruGreen personnel manager. The Plaintiff, Ramon Villanueva-Bazaldua, filed this suit on behalf of himself and all other Mexican workers who received H-2B visas to work for TruGreen Chemlawn during 2003, 2004, 2005, and 2006. Mr. Villanueva-Bazaldua claims that TruGreen Chemlawn promised the U.S. Department of Labor specific hourly wages and minimum terms of work if the government would grant it permission to employ Mexican workers and that it promised specific hourly wages to Mexican workers if they would come to the United States to work for TruGreen. Mr. Villanueva-Bazaldua alleges that TruGreen broke those promises by failing to pay the promised hourly wages and by failing to comply with the federal Fair Labor Standards Act. Mr. Villanueva-Bazaldua is asking the Court to order TruGreen Chemlawn and the other Defendants to pay money to the Mexican H-2B workers to make up for these violations.

The Defendants allege that they have done nothing wrong and that they do not owe any money to Plaintiff or the other

H-2B workers that it employed

The Court has not yet made any decision about the validity of Plaintiff's claims or Defendants' defenses

### **3. Why Did I Get This Notice?**

You received this Notice because the Court recently authorized the Plaintiff to represent all of the Mexican workers who received H-2B visas to work for TruGreen Chemlawn during 2003, 2004, 2005 and 2006. The lawyers for the Plaintiff and/or Defendants have information that indicates that you worked for TruGreen Chemlawn using an H-2B visa during one or more of those years. It does not matter whether you also worked before 2003 or after 2006, nor does it matter how long or short a time you worked for TruGreen. As long as you worked for TruGreen Chemlawn with an H-2B visa at some time during the period 2003, 2004, 2005 or 2006 you are part of this case and you have a right to participate in it or not participate in it.

### **4. Who Are The Lawyers Representing The Mexican H-2B Workers?**

The following lawyers represent the Plaintiff. The Court has also designated them to be the lawyers for the other H-2B workers who are covered by this lawsuit:

Vivian Rapposelli  
Rapposelli & Gonzales  
1300 Grant Ave. Suite 100  
Wilmington, DE 19806  
302-652-8711  
[vrapposelli@rglaw.us](mailto:vrapposelli@rglaw.us)

Edward Tuddenham  
272 W. 107<sup>th</sup> St #20A  
New York, New York 10025  
212-866-6026  
[etudden@io.com](mailto:etudden@io.com)

### **5. What Are The Decisions I Need To Make?**

IF YOU WANT TO BE PART OF THIS LAWSUIT you do NOT need to do anything at this time. You are already a part of the lawsuit. You will be bound by the judgment of the Court whether it is favorable to the Plaintiff or to the Defendants. At some time in the future, you will be notified of the Court's decision. If the workers win, you will be notified of the procedures for claiming your money. You will be represented by Ramon Villanueva-Bazaldua who brought the suit and the lawyers whose names are listed above. You also have the right to hire your own lawyer to represent you if you want. If you hire your own lawyer, he or she must file an appearance with the Court no later than \_\_\_\_\_. However, there is no need for you to hire your own lawyer because the Court has appointed the lawyers listed above to represent you.

IF YOU DO NOT WANT TO PARTICIPATE IN THIS LAWSUIT, you may exclude yourself from the class by signing and dating the enclosed "Request For Exclusion From Lawsuit" and mailing it to: Vivian Rapposelli, 1600 Grant Ave., Suite 100, Wilmington, DE 19806. To be EXCLUDED your Exclusion Form must be received no later than \_\_\_\_\_. If you request to be excluded from the lawsuit you will not be bound by the decision of the Court and you will not receive any money if the workers win.

**6. What Should I Do If My Address Changes?**

If you decide to participate in this suit, it is very important that you inform the lawyers for the Mexican workers about any changes in your address or telephone number. They will need to have a current address and telephone number to inform you of the decision of the Court when it is made. You should send any changes in your address or telephone number to:

Vivian Rapposelli  
1600 Grant Ave., Suite 100  
Wilmington, DE 19806

**7. No Retaliation Is Permitted**

Federal law prohibits TruGreen from discharging or in any other manner discriminating against you, including refusing to re-employ you, because you participate in this lawsuit, or have in any other way exercised your rights to claim wages.

**8. What Should I Do If I Want More Information**

More information about this Notice and answers to questions concerning the lawsuit may be obtained by writing, telephoning, or e-mailing the Plaintiffs' lawyers at:

Vivian Rapposelli  
Rapposelli & Gonzales  
1300 Grant Ave. Suite 100  
Wilmington, DE 19806  
302-652-8711  
[vrapposelli@rglaw.us](mailto:vrapposelli@rglaw.us)

**THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE FEDERAL DISTRICT COURT.**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

RAMON VILLANUEVA-BAZALDUA  
individually and on behalf of others similarly  
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Plaintiff

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TRUGREEN LIMITED PARTNERS and  
TRUGREEN, INC.

Defendants

**REQUEST FOR EXCLUSION FROM LAWSUIT**

**CHECK ONE BOX ONLY:**

\_\_\_\_\_ I want to be part of this lawsuit. I understand I will be bound by the judgment of the Court, win or lose.

\_\_\_\_\_ I **DO NOT** want to be part of this lawsuit. I understand that by checking this box I will not be bound by the decision of the Court and will not receive money if the Plaintiff wins.

My Name: \_\_\_\_\_

My Address: \_\_\_\_\_

My Telephone Number: \_\_\_\_\_

Signature: \_\_\_\_\_

If you **DO NOT** want to participate in this lawsuit mail this form to :

Vivian Rapposelli  
Rapposelli & Gonzales  
1600 Grant Ave, Suite 100  
Wilmington, DE 19806

If you **DO NOT** want to participate in this lawsuit this form must be received no later than \_\_\_\_\_, 2007